

**ORIGINAL****FILED****2008 JUL 15 PM 3:41****CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA****DEPUTY**

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14 UNITED STATES DISTRICT COURT  
15 SOUTHERN DISTRICT OF CALIFORNIA

**'08 CV 1273 J CAB**

SILVANO D. ORSI,

Plaintiff,

vs.

16 H.H. SHEIKH FALAH BIN ZAYED BIN  
17 SULTAN AL NAHYAN,

Defendant

) Case No.:

) COMPLAINT OF PLAINTIFF SILVANO D. ORSI FOR  
DAMAGES AND DEMAND FOR JURY TRIAL**BY FAX**

TO THE HONORABLE JUDGE OF THIS COURT:

21 COMES NOW Plaintiff SILVANO D. ORSI, complaining of H.H. FALAH BIN ZAYED BIN  
22 SULTAN AL NAHYAN, and for cause of action respectfully shows this Honorable Court the  
23 following:

**A. NATURE OF THIS CASE**

25 Plaintiff Silvano Orsi is a United States citizen and resident of Rochester,  
26 New York. H.H. Sheikh Falah Bin Zayed Bin Sultan Al Nahyan ("Sheikh Falah") is a  
27 member of the royal family in the United Arab Emirates ("U.A.E."). Sheikh Falah is or  
28 was a resident of Del Mar, California. On August 19, 2003, Plaintiff was at the La

COMPLAINT FOR DAMAGES

PAGE - 1 OF 5

CASE NO:

1 Reserve Hotel Bar in Geneva, Switzerland. Plaintiff was enjoying a conversation with a  
 2 friend at the bar, when he was approached by Sheikh Falah. Initially, a bottle of  
 3 champagne was offered by Sheikh Falah. Orsi refused, but the Sheikh sent over a bottle  
 4 anyway. The bottle remained unopened. A few minutes later, Sheikh Falah came over and  
 5 began making overt homosexual and romantic gestures to Mr. Orsi. Mr. Orsi is not a  
 6 homosexual, and he does not drink alcohol. When the Sheikh's homosexual advances were  
 7 rejected, Sheikh Falah attacked, hitting him in the face, and whipping and beating Mr.  
 8 Orsi with a belt. As a result of the attack, Mr. Orsi sustained severe physical  
 9 injuries, including nerve damage, a herniated disc, and post traumatic stress. Mr.  
 10 Orsi has also lived with fear for his life every day since the assault and has  
 11 sustained severe mental anguish. Sheikh Falah was ultimately convicted of assault in  
 Swiss court.

#### 12 B. PARTIES

13 1. Plaintiff, Silvano Orsi, is an individual who is a citizen of the United  
 14 States and the State of New York.

15 2. Defendant, H.H. Sheikh Falah Bin Zayed Bin Sultaan Al Nahyan, is an  
 16 individual who is a citizen of the United Arab Emirates, a foreign state.

#### 17 C. JURISDICTION

18 3. The Court has subject matter jurisdiction over this lawsuit under 28  
 19 U.S.C. §1332(a)(2), because the suit is between a citizen of New York and a citizen of  
 20 the U.A.E., and the amount in controversy exceeds \$75,000.00, exclusive of interest  
 and costs.

21 4. The assault at issue in this case took place in Geneva, Switzerland.  
 22 However, Defendant Sheikh Falah routinely travels to California and, on information  
 23 and belief, owns substantial properties here as well as other places in the United  
 24 States. In fact, Sheikh Falah maintains or has maintained a residence in Del Mar,  
 25 California. Sheikh Falah also attended college in California. Venue is based on 28  
 U.S.C. §1391(a)(3).

#### 26 D. FACTUAL SUMMARY

27 5. The Plaintiff, Silvano Orsi, is a United States citizen. Defendant Sheikh  
 28 Falah is the son of H.H. Sheikh Zayed bin Sultan Al Nahyan, the late ruler of the

1 U.A.E. Although he is a member of the royal family, Sheikh Falah holds no position in  
2 the U.A.E. or Abu-Dhabi governments.

3 6. On August 19, 2003, Plaintiff was at the La Reserve Hotel Bar in Geneva,  
4 Switzerland. Plaintiff was enjoying a conversation with a friend at the bar, when he  
5 was approached by Sheikh Falah. Initially, a bottle of champagne was offered by Sheikh  
6 Falah; however, Mr. Orsi refused and informed the Sheik that he did not drink alcohol.  
7 A few minutes later, Sheikh Falah came over and began making overt, homosexual  
8 romantic overtures to Mr. Orsi. When the advances were rejected, Sheikh Falah  
9 attacked-whipping and beating Mr. Orsi. After the Sheikh left, on his behalf someone  
10 came over and offered money to Orsi in return for his silence. Orsi refused. As a  
11 result of the attack, Mr. Orsi sustained severe physical injuries. He can no longer  
12 work. Moreover, Mr. Orsi has lived with fear for his life every day since the assault  
13 and has sustained severe mental anguish.

14 7. For the past five years, Mr. Orsi has lived in constant fear of  
15 retaliation, including the very real possibility of his own death. During that time,  
16 Mr. Orsi has pursued and prevailed in a criminal action against Sheikh Falah with the  
17 Swiss authorities. On June 27, 2008, the Tribunal De Police in Geneva Switzerland  
18 found Sheikh Falah guilty of the assault.

19 8. Swiss law allows for the tolling of a civil case while a corresponding  
20 criminal case is proceeding. See Article 60 of the Swiss Code of Obligations.

#### 21 E. CAUSES OF ACTION

##### 22 Violations of the Swiss Code of Obligations

23 9. Plaintiff incorporates by reference the factual allegations found in the  
24 above Paragraphs.

25 10. Defendant, without provocation, brutally assaulted and battered  
26 Plaintiff. This assault was intentional and consisted of the Defendant repeatedly  
27 striking Plaintiff with his fists and taking off his belt to whip and beat Plaintiff.  
28 As a result of the assault, Plaintiff sustained serious physical injuries.

11. Defendant is an individual and holds no government position. He is not  
entitled to sovereign immunity, as he is not a sovereign or an agent of a sovereign.

1 However, as a member of the royal family, Defendant has used his influence to scare  
2 and intimidate Plaintiff.

3 12. Defendant's conduct proximately caused Plaintiff's damages, including  
4 damages for economic loss due to inability to work, and for pain and suffering and  
5 mental anguish, both past and future.

6 13. Because of the nature of Defendant's actions, that is, because he acted  
7 intentionally, willfully, knowingly, and maliciously, Plaintiff seeks an award of  
8 punitive damages.

9 14. Defendant's conduct was in violation of the criminal laws, thus the  
10 punitive damages sought by Plaintiff are not subject to capping.

11 15. Defendant unlawfully caused damage to Plaintiff, willfully or  
12 negligently, and is liable for damages and reparations.

13 16. Due to the nature of Defendant's conduct, Plaintiff seeks damages and  
14 brings claims pursuant to Articles 41-49 of the Swiss Code of Obligations.

#### 15 F. DAMAGES

16 21. As a direct and proximate result of the Defendant's conduct, Plaintiff,  
17 Silvano Orsi, has suffered the following injuries and damages:

- 18 (1) Past, present and future physical pain and suffering;
- 19 (2) Past, present and future mental anguish;
- 20 (3) Past, present and future loss of earning capacity; and
- 21 (4) Attorney fees and costs of court.

22 22. Plaintiff also seeks punitive damages, and because of the criminal nature  
23 of Defendant's conduct, such punitive damages are not subject to capping.

#### 24 G. JURY DEMAND

25 23. Plaintiff respectfully requests a trial by jury on all issues to which  
26 Plaintiff are so entitled.

#### 27 H. PRAYER

28 24. For these reasons, Plaintiff asks for judgment against Defendant for the  
following:

- a. Actual damages;
- b. Prejudgment and postjudgment interest;

- 1 c. Costs of suit, including attorney fees;  
2 d. Punitive damages; and  
3  
4  
5 e. All other relief the Court deems appropriate.

6 Respectfully submitted,

7  
8 By: 

9 Anthony G. Buzbee,  
10 The Buzbee Law Firm  
11 Attorneys for Plaintiff,  
12 Silvano D. Orsi

13 By: 

14 Susan Regalbal  
15 Local Counsel for Plaintiff,  
16 Silvano D. Orsi  
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By Fax

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

FILED

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

2008 JUL 15 PM 3:47

## I. (n) PLAINTIFFS

SILVANO D. ORSI

(b) County of Residence of First Listed Plaintiff State of New York  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Anthony G. Buzbee, The Buzbee Law Firm, 104 21st Street,  
Galveston, TX 77550; (409) 762-5393

## DEFENDANTS

H.H. SHEIKH, SULTAN SULTAN AL NAHYAN  
SOUTHERN DISTRICT OF CALIFORNIA

County of Residence of First Listed Defendant San Diego County.

BY PLAINTIFF CASES ONLY DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (if known)

08 CV 1273 J CAB

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |  |   |   |
|---|--|---|---|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2         | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3                    | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6         |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defuncted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>TORTS</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>CORRUPTION/PENALTY</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Race/ethnic Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat. TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 17 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Bipart Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 550 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

## V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.)  
28 USC 1332(a)(2), 28 USC 1391(a)(3); Violations of Swiss Code of Obligations

Brief description of cause:  
Personal injury; assault and battery

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

7/15/08

A. Buzbee

FOR OFFICE USE ONLY

RECEIPT #

153007

AMOUNT

\$350

APPLYING OFF

JUDGE

JUDGE

TAC 7/15/08

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

# 153007 - TC

July 15, 2008  
15:44:43

**Civ Fil Non-Pris**

USAO #.: 08CV1273

Judge.: NAPOLEON A JONES, JR

Amount.:

\$350.00 CK

Check#.: BC1200128

**Total-> \$350.00**

FROM: SILVANO D. ORSI

VS

H.H. SHEIKH FALAH BIN ZAYED BI  
SULTAN SULTAN AL NAHYAN